THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO.19237 OF 2005

Dated 9th September 2005

Between:

Master Tharak Nath B,

Being minor, rep.by his father Dr.B.Ravindranath Reddy.

R/o.Atmakur village & Mandal, Nellore Dist.

…Petitioner

And

Union of India, rep. By its Secretary,

Education, Ministry of Human Resource Development,

Central Secretariat, New Delhi & 3 others.

…Respondents

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O R D E R:

The petitioner, who is minor, represented by his father, was initially admitted in the 4th respondent school, and studied there, up to 1st class. Subsequently, he was admitted in a school at Chennai, and studied there, up to 10th class, under CBSE scheme. He appeared in the Secondary School Examination (SSE), in the year 2003, and passed the same. He was issued a certificate on 24.5.2003, by the second respondent. In the school records, as well as in SSE certificate, his date of birth was shown as 15.1.1989. The petitioner studied Intermediate, and the same

date of birth was indicated in the relevant certificates. He appeared in the entrance examination, for admission into M.B.B.S. Course, in the State of Karnataka, and claims to have been selected.

The grievance of the petitioner is that as per Municipal records, his actual date of birth is 6.12.1988, and it was wrongly mentioned in the school records. He claims to have made a representation to the second respondent, for making necessary corrections in the SSE certificate, and complains that no orders have been passed thereon. He alleges that on account of the inaction, his case is not being considered for admission, since he does not fulfill the condition as to age.

Heard the learned counsel for the petitioner and learned Standing Counsel for respondents 2 and 3.

The second respondent had formulated a set of byelaws, known as “Examination Byelaws of the CBSE” in the year 1985. A detailed procedure is prescribed for correction of date of birth of the students, who have studied that course. Byelaw 69.2 is to the effect that the corrections of date of birth can be effected, to bring them in conformity with the school record. Two years time, from the date of declaration of the results in 10^{th} class examination, is stipulated, as the limitation for making such application. This Court finds it difficult to grant the relief to the petitioner.

The corrections that are brought under byelaw 69.2, are only to the extent of bringing them, in conformity with the school record. It is not the case of the petitioner that the date of birth in the SSE certificate, does not conform with the date of birth entry in the school record. The relief is to effect the amendment, on the basis of a birth certificate issued by the Municipal Corporation. Such a relief is outside the scope of the rules.

The rules stipulate two years of time, from the date of publication of the results, for submission of application. Though there is no provision for extension of this period, in a given case, this Court would not hesitate to direct the second respondent, to entertain the application, if sufficient grounds exist. Therefore, this

Court is not inclined to give any specific direction to the second respondent, in this regard. However, in case there are instances, where the second respondent had entertained such applications, he shall receive the application of the petitioner, notwithstanding the fact that it is submitted three months beyond the stipulated time, and pass appropriate orders.

The writ petition is accordingly disposed of. There shall be no order as to costs.

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9th September 2005

Note: Issue C.C. by Monday.

(B/o)

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